IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 22171 of 2005

For Approval and Signature:

HONOURABLE MR.JUSTICE K.M.MEHTA

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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KISHORSINGH @ KISHOR LANGADO LALSINGH RATHOD - Petitioner(s)

Versus

COMMISSIONER OF POLICE AHMEDABAD CITY & 2 - Respondent(s)

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Appearance :

MR NM KAPADIA for Petitioner(s) : 1,
RULE SERVED BY DS for Respondent(s) : 1 - 2.
GOVERNMENT PLEADER for Respondent(s) : 2 - 3.

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CORAM : HONOURABLE MR.JUSTICE K.M.MEHTA

Date : 31/01/2006

ORAL JUDGMENT

1. The petitioner has filed habeas corpus petition under Article 226 of the Constitution of India challenging the order of detention dated 17.10.05

passed by the detaining authority under the provisions of the Gujarat Prevention of Anti-social Activities Act, 1985. This Court has issued Rule on 15.11.2005 which was made returnable on 12.12.05. Learned APP Mr. Pujari appears on behalf of the respondents. He has filed affidavit in reply. It may be noted that in the matter of Mahendrasing Angadsinh Rajput Vs. State of Gujarat in Special Civil Application No. 22064/05. The said petition has been allowed on 31.1.06. In view of the reasoning given by this court in the judgement and order dated 31.10.06 in the matter of Mahendrasing supra.

2. I have gone through the said judgements and orders and I am of the view that petition is required to be allowed. The order of detention dated 17.10.05 is quashed and set aside. The detenu, Kishorsingh @ Langado Lalsingh Rathod is ordered to be set at liberty forthwith if she is not required in connection with any other case. Rule is made absolute accordingly with no order as to cost.

3. Direct service is permitted.

(K.M.MEHTA, J)

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